UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,816	03/06/2002	Scott Edward Klopfenstein	PU010195	8470

7590 05/08/2006

JOSEPH S. TRIPOLI
THOMSON MULTIMEDIA LICENSING INC.
2 INDEPENDENCE WAY
P. O. BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/091,816
Filing Date: March 06, 2002
Appellant(s): KLOPFENSTEIN, SCOTT EDWARD

Guy H. Eriksen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/13/2004 appealing from the Office action mailed 7/14/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,246,442	Harada et al.	6/12/2001
5,694,176	Bruette et al.	12/02/1997
2002/0124256	Suzuka	9/5/2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada in view of Bruette.

In regards to claim 12, the examiner has modified the taking of Official Notice below to clarify a typographical error. A reference is also provided in the Response to Arguments section below teaching the limitations taught by the examiner's statement of Official Notice.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, 10-11 and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Harada et al. (U.S. Patent No. 6,246,442).

Referring to claim 1, Harada discloses determining a program guide information level in response to user interaction with a graphical object (the EPG) indicative of said program guide information level (see Column 12, Lines 20-24 for a description of a user selecting a program guide detail degree, which represents a program guide information level).

Harada also discloses determining, in response to said program guide information level (detail degree), a program guide schedule length (see Column 13, Lines 43-53 and Column 14, Lines 51-55 and Figures 8-10 for determining a schedule length based upon the user selected detail degree).

Harada also discloses storing program guide data according to said program guide information level and said program guide schedule length (see Figure 7 and Column 14, Lines 3-15 for a storage unit for holding a layout correspondence table,

which indicates the detail degree of the program guide and the schedule length (see dimensions for each cell according to the detail degree in Figure 7)). The examiner notes that by storing a layout table as shown in Figure 7, the system inherently stores the data according to the program guide information level (see "Detail Degree" column in Figure 7) and the program guide schedule length (see "Cell Layout Information" column in Figure 7 for a teaching of the size of each cell to be displayed by the program guide, which therefore dictates the program guide schedule length).

Referring to claim 3, Harada discloses that the schedule length is increased if the program guide level is decreased (see Figure 7 for the cell layout table and Figures 8-9 for the actual program guide displayed according to the cell layout table, where in Figure 9 if the second detail degree is selected the program guide is displayed with 6x6 cell layout size, and if the first detail degree is selected the program guide is displayed with an 8x6 cell layout size).

Referring to claim 4, see rejection of claim 3 and note that if a first detail degree program guide is displayed and then a second detail degree is selected, the program guide schedule length will decrease (opposite of the effect described in claim 3).

Referring to claim 5, Harada discloses that the program guide information comprises basic program information and extended program information (see Figure 5 for the detail correspondence table, which shows that a the program guide information contains basic program information in the first detail degree (start time, title, sub-title) and extended information beyond the basic information in the second, third and fourth detail degrees).

Referring to claim 6, Harada discloses that the program guide information level is defined as a percentage of program guide schedule length containing extended program information (see Figure 5, which discloses that the fourth detail degree (the highest percentage of extended information) contains the most extended program information, and the first detail degree (the lowest percentage of extended information) contains no extended program information).

Referring to claim 7, Harada discloses that the extended program information provides information regarding a program description (see Figure 5, second detail degree for a "Cast" description).

Referring to claim 10, see Figure 5 for a description of Advanced Program Guide information.

Referring to claim 11, see Figure 29 for a teaching of the program schedule comprising an earlier portion (7 o'clock on Channel 1) and a later portion (12 o'clock on Channel 1).

Referring to claim 20, see rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2, 8-9 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (U.S. Patent No. 6,246,442) in view of Bruette et al. (U.S. Patent No. 5,694,176).

Referring to claim 2, Harada fails to disclose that the graphical object comprises a cursor. Bruette discloses the use of a cursor in Figure 3, which is used to manipulate the level of detail of the program guide (see Figure 3(b) for viewing the current time or 4 hours ahead (+ 4.0 HRS)).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG of Harada, using the cursor, as taught by Bruette, for the purpose of allowing a user to specifically pick the option on the EPG, instead of forcing a user to navigate through multiple options to select a single option among a multitude of options.

Referring to claim 8, Harada teaches all of the limitations in claim 1, but fails to teach that the plurality of programs are broadcast from either satellite or terrestrial broadcasting center. Bruette teaches a satellite source (Column 2, Lines 62-65) for receiving audio, video and program guide information (see Column 2, Lines 59-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the computer system (Figure 69) for displaying the detail adjustable program guide, as taught by Harada, to utilize the satellite source, as taught by Bruette, for the purpose of accepting television signals from an outside source.

Referring to claim 9, see rejection of claim 8 and note that a satellite broadcast is a "live broadcast".

Referring to claim 12, Harada teaches all of the limitations in claim 11 and that a program object contains basic and extended program information, but fails to teach identifying a time reference of a program object.

Bruette discloses identifying a reference time in Figure 3b for selecting a later portion of a program guide.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the program guide, as taught by Harada, using the time reference menu, as taught by Bruette, for the purpose of quickly selecting an earlier or later portion of a program guide schedule.

The examiner additionally takes Official Notice that it is well known to remove extended program information from a program object at a later portion of the program schedule.

Therefore, it would have been obvious to a person of ordinary skill in the art, to remove extended program information at a later portion of the program schedule for the purpose of reducing the amount of memory needed to store several days worth of program guide information.

Claim 13 directly relates to claim 1, where Harada teaches all of the limitations regarding determining a schedule length according to a program information level. Harada continues to teach a memory for storing program guide information and a processor (see Figure 69), but fails to teach a tuner and a demodulator.

Bruette teaches a similar program guide environment, which allows a user to customize a program guide according to specific times (See Figure 3(b)), and also teaches the tuner (element 12 in Figure 1) and demodulator (element 13 in Figure 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the computer system for implementing the detail degree program guide, as taught by Harada, using the tuner and demodulator, as taught by Bruette, for the purpose of allowing a user to select a program from the program guide and display the program to the user.

Claims 14-17, and 19 corresponds to claim 13, please see rejections of claims 2-5, and 10, respectively for a description of Harada disclosing these additional limitations.

Claim 18 corresponds to claim 17, please see rejection of claim 6 for a description of Harada disclosing this additional limitation.

(11) Response to Argument

Applicant's arguments filed 8/13/2004 have been fully considered but they are not persuasive.

As an overview the examiner recognizes the differences between the prior art of Harada and Bruette and the claimed invention. The claimed invention attempts to discloses a system similar to Figures 3-6, which stores program guide day according to an adjust made by a graphical user interface (slider bar in Figure 5). However, the examiner notes that the claims, interpreted broadly, simply read on a system that

displays program guide information that the user is viewing, based on the degree of detail selected by user input (as taught by Harada and Bruette). This will be apparent in the examiner's response to the arguments below.

102(e) rejection in view of Harada:

Applicant argues that Harada fails to teach, "*determining a program guide information level in response to user interaction with a graphical object indicative of said program guide information level*" and supports the argument by further stating that "**The present invention determines the amount of information within the transmitted program guide to be downloaded by the receiver based upon user input**" and that "**Harada only disclose altering the data included in a displayed cell based on user input**". The examiner notes that the claims do not state downloading the programming guide information, which is primarily why the examiner has taken a broad interpretation based on altering the data included in a displayed cell based on user input. Harada determines a program guide information level based on the detail degree input by the user, wherein the information level is the level of data that will be displayed on the screen. Further note that this is done by interacting with the program guide itself, shown in Harada in Figures 8-10, where the program guide is clearly indicative of the program guide information level (how much program guide information will be displayed).

In regards to the previous argue, Applicant also specifically argues that Harada does not teach "*interaction with a graphical object indicative of said program guide*

information level" and states that Harada merely discloses, "inputting a display request and a particular detail degree to the input unit". Although the examiner has interpreted this limitation based on the interaction with the actual program guide that the user interacts with, an even broader interpretation can be taken. Again, Applicant admits that Harada discloses inputting a display request and a detail degree to the input unit and from Figure 69 we can clearly see that the user interacts with a display device to do so, therefore any type of graphic that is produced by the display to allow selection of the detail degree and display request could be considered "*interaction with a graphic object indicative of said program guide information level*".

Applicant also argues that Harada does not teach, "*determining, in response to said program guide information level, a program guide schedule length*" and notes that Harada generates a cell layout and guide arrangement based upon the amount of data to be displayed within each cell, which is unlike the present claimed invention, which determines the length of time the program guide schedule will extend into the future based upon the program guide information level, i.e. the amount of data downloaded for each program. Again, the claims do not state in the limitations that the data is downloaded, as well as the schedule extending into the future, which is why the examiner has taken a broad interpretation based on the amount of data displayed (the program guide schedule length) in response to the detail degree selected by user input (the program guide information level). As stated by the examiner in the Final Rejection, since the program guide information level, represented by the selected detail degree, is selected and used to present a program guide display of a particular size (thereby

representing a particular span of time in the columns and a certain amount of programs in the rows), clearly Harada teaches that the detail degree (program guide information level) is used to determine a program guide schedule length, which according to Figures 8-10 of Harada display only a length of future time (for the programs in the program guide) that correspond to the selected detail degree. For example, note in Figure 9 that programs are displayed for the time period 14:00 through 22:00 and in Figure 10, only programs for the time period 14:00-19:00 are displayed.

Applicant also argues that the present claimed invention offers a utility that can be distinguished from Harada and continues to note the distinctions between Applicant's invention and Harada's invention as a whole. The examiner again notes that the differences between the two inventions are understood and a broad interpretation of the instant application's claims (as written) have been taken.

In regards to Applicant's arguments regarding claims 3-4, Applicant notes that the arguments are related to the arguments made in regards to claim 1. Further note that the examiner's broad interpretation of the claims (discussed above) is consistently applied to claims 3 and 4.

In claim 3, the claim states, "*wherein said schedule length is increased if said program guide information level is decreased*". The examiner notes that if the detail degree is decreased to the lowest level then the schedule length would be increased and more cells (which would include the time span covered by the program guide) would be available for display (see Figure 8).

In the alternative, which is presented in claim 4, the claim states, "*wherein said schedule length is decreased if said program guide information level is increased*". The examiner notes that if the detail degree is increased to the highest level then the schedule length would be decreased and less cells (which would include a much less time span covered by the program guide) would be available for display (see Figure 10).

103(a) rejection in view of Harada and Bruette:

Applicant argues that Bruette fails to teach the same limitations that Harada does not teach. See the arguments above on how Harada teaches these limitations. Bruette has been used to teach that the graphical object is an object that can manipulated on the screen (i.e. a cursor).

In regards to claim 12, the examiner has taken Official Notice to the fact that the prior art teaches removing extended program information from a program object at a later portion of the program schedule. Applicant has not traversed the Official Notice in the arguments presented by Applicant, however, the examiner notes that the Suzuka prior art reference (U.S. Patent Application Publication 2002/0124256) discloses the limitations that the Official Notice has been used to teach by the examiner.

Referring to claim 12, Harada teaches all of the limitations in claim 11 and that a program object contains basic and extended program information, but fails to teach identifying a time reference of a program object.

Bruette discloses identifying a reference time in Figure 3b for selecting a later portion of a program guide.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the program guide, as taught by Harada, using the time reference menu, as taught by Bruette, for the purpose of quickly selecting an earlier or later portion of a program guide schedule.

Suzuka discloses a program guide in Figure 3 with various options to modify the display of the program guide, such as the level of detail displayed in the cells, display format, priority and the date and time (also note Paragraphs 0099 through 0102). The examiner notes that if the detail level is selected, for example, a low level would provide less information (basic program information) in the cells, while is a higher detail level is selected, more information (extended program information) in the cells (see Paragraphs 0110-0111). Therefore, if a future time is selected along with a specific low level of detail, then extended information would be removed for the selected time object for a program.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide interface, as taught by Harada and Bruette, using the detail level program guide interface option, as taught by Suzuka, for the purpose of providing a program list display device which various formats as the formats of the program list and allows the viewer to dynamically change the format of the program list to be displayed (see Paragraph 0014 of Suzuka).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jason Salce
April 25, 2006

Conferees

John Miller

Chris Grant

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Guy H. Eriksen
Patent Operations
Thomson Licensing, Inc.
Princeton, NJ 08543-5312

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600